

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
ROBERT DEREK LURCH, JR.,	:	
	:	
Plaintiff,	:	
	:	22-CV-2324 (VSB)
-against-	:	
	:	
	:	<u>ORDER</u>
P.O. ERIC KIM, P.O. AMANDA PSAREAS,	:	
JOHN DOE Officers that assisted in detaining	:	
and transporting the Plaintiff, DR.	:	
JONATHAN HOWARD, K. CARTY,	:	
registered nurse, and JOHN DOE Officers that	:	
arrested Plaintiff on 40th and 8th Ave. on May	:	
9, 2021 around 7 PM to 7:45 PM,	:	
	:	
Defendants.	:	
	:	
-----	X	
<u>VERNON S. BRODERICK, United States District Judge:</u>		

I am in receipt of Plaintiff’s letter, dated January 1, 2024, seeking leave to file a Second Amended Complaint, (Doc. 60), and the response letter, dated January 22, 2024, filed by counsel for Defendants P.O. Eric Kim and P.O. Amanda Psareas, (Doc. 62). Having reviewed the submissions, the Court grants Plaintiff’s request for leave to file a Second Amended Complaint.¹ To facilitate consistent deadlines in this case, the Court extends the deadline for Defendants Kim and Psareas to respond to the complaint until twenty-one days after Defendants Dr. Jonathan Howard and K. Carty are served.

Because Plaintiff has previously been granted permission to proceed IFP, (Doc. 5), he is entitled to rely on the Court and the U.S. Marshals Service (the “Marshals Service”) to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d)

¹ The Court also grants Defense counsel’s request for an extension of time to respond to the allegations in Plaintiff’s January 1, 2024 letter.

(“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Howard and Carty through the Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants Howard and Carty.

If the Second Amended Complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

CONCLUSION

The Clerk of Court is further instructed to complete the USM-285 forms with the addresses for Defendants Howard and Carty and deliver to the Marshals Service all documents necessary to effect service.

SO ORDERED.

Dated: January 23, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V". The last name "Broderick" is written with a large, prominent "B". The signature is written over a horizontal line.

VERNON S. BRODERICK
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Jonathan Howard, MD,
NYC Health + Hospitals/Bellevue Hospital, 462 First Avenue,
New York, New York 10016
2. Kesha Adriana Carty, RN,
NYC Health + Hospitals/Bellevue Hospital, 462 First Avenue,
New York, New York 10016